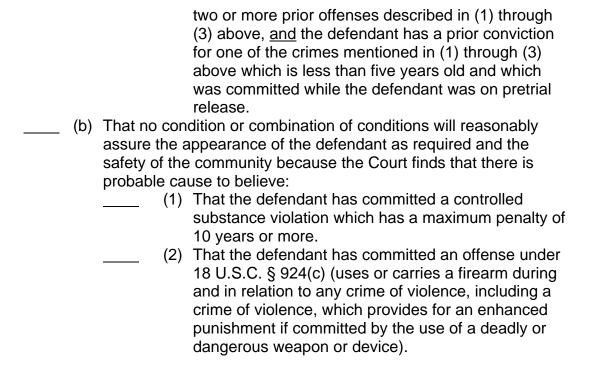
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	IITED STATES OF AMERICA,)		
	Plaintiff,) Case Number 8:11CR228)		
vs.) DETENTION ORDER)		
РΑ	SCUAL GARCIA-BERNABE,			
	Defendant.			
A.	. Order For Detention After the defendant waived a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).			
B.	 Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community. 			
C.	that which was contained in the Pretrial X (1) Nature and circumstances of X (a) The crime: Reentry of carries a maximum pe (b) The offense is a crime (c) The offense involves a wit:	a removed alien is a serious crime and enalty of 2 years imprisonment. of violence. a narcotic drug. a large amount of controlled substances, to		
	may affect wh The defendar X The defendar X The defendar	-		

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		community. The defendant does not have any significant community ties. Past conduct of the defendant:
		The defendant has a history relating to drug abuse. The defendant has a history relating to alcohol abuse. The defendant has a significant prior criminal record. The defendant has a prior record of failure to appear at court proceedings. me of the current arrest, the defendant was on: Probation
		Parole Supervised Release Release pending trial, sentence, appeal or completion of sentence.
	(c) Other Fa	The defendant is an illegal alien and is subject to deportation. The defendant is a legal alien and will be subject to deportation if convicted.
	_XX	The Bureau of Immigration and Customs Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other: Prior removals (1997 - 2010)
(4)	The nature and release are as	d seriousness of the danger posed by the defendant's follows:
(5) Rebuttable Presumptions In determining that the defendant should be detained, the Cour relied on the following rebuttable presumption(s) contained in 1 § 3142(e) which the Court finds the defendant has not rebutted (a) That no condition or combination of conditions will reason		that the defendant should be detained, the Court also llowing rebuttable presumption(s) contained in 18 U.S.C. h the Court finds the defendant has not rebutted: condition or combination of conditions will reasonably
	safety o	the appearance of the defendant as required and the fany other person and the community because the Court at the crime involves: (1) A crime of violence; or (2) An offense for which the maximum penalty is life imprisonment or death; or (3) A controlled substance violation which has a maximum penalty of 10 years or more; or (4) A felony after the defendant had been convicted of

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D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 25th day of July, 2011.

BY THE COURT:

s/ F. A. Gossett United States Magistrate Judge